

A SUBSTITUTE RESOLUTION

BY TRANSPORTATION COMMITTEE

A SUBSTITUTE RESOLUTION AUTHORIZING THE SALE OF FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES (DESIGNATED AS 4364, 4374, 4572 AND 4112 HERSCHEL ROAD) TO THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY FOR REPAIR AND RESALE TO PRIVATE INDIVIDUALS; AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ON BEHALF OF THE CITY OF ATLANTA AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COLLEGE PARK AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AS WELL AS DEEDS AND OTHER NECESSARY AND APPROPRIATE DOCUMENTS OR LEGAL INSTRUMENTS REQUIRED TO CONSUMMATE THESE TRANSACTIONS; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY STEPS ON BEHALF OF THE CITY OF ATLANTA REQUIRED TO CLOSE THE RESPECTIVE SALES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta previously acquired in fee simple ownership using Federal Aviation Administration aircraft noise mitigation funding four (4) single-family residential properties known as 4364, 4374, 4572 & 4112 Herschel Road (collectively, the "Properties") in conjunction with the Department of Aviation's ongoing Noise Mitigation Program; and

WHEREAS, notwithstanding the current noise levels, the City of College Park requested that the City of Atlanta cease the acquisition of any additional properties in the and further requested that the City of Atlanta sell to the College Park Business and Industrial Development Authority ("College Park Development Authority") the Properties to be restored and resold; and

WHEREAS, accordingly, the City of Atlanta, the City of College Park, and the College Park Development Authority desire to enter into an Intergovernmental Agreement for the purchase, repair, and resale of the Properties by the College Park Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee are each authorized to execute on behalf of the City an Intergovernmental Agreement with the City of College Park and the College Park Development Authority for the purchase, repair, and resale of the Properties by the College Park Development Authority, subject to the terms and conditions contained in that certain Resolution passed by the Mayor and Council of the City of College Park on November 17, 2003, attached as Exhibit "A".

BE IT FURTHER RESOLVED that the Mayor or her designee are each authorized, in addition to executing the Intergovernmental Agreement, to execute on behalf of the City of Atlanta such warranty deeds to the Properties, as approved by the City Attorney, and any other documents or legal instruments

necessary to consummate the Intergovernmental Agreement and the sale of the Properties contemplated by this Resolution.

BE IT FURTHER RESOLVED that the Aviation General Manager shall provide the Transportation Committee with periodic reports regarding the progress of the sale of properties in this Resolution.

BE IT FURTHER RESOLVED that the City Attorney is directed to prepare the Intergovernmental Agreement and necessary deeds and any other legal instruments, as required, for execution by the Mayor or her designee, to be approved as to form by the City Attorney, and to represent the City at the closing of the sales of the Properties.

BE IT FINALLY RESOLVED that said Intergovernmental Agreement, deeds or any other legal instruments, as may be required, shall not become binding upon the City of Atlanta, and the City shall incur no obligation or liability under them until they have been signed by the Mayor or her designee, attested to by the Municipal Clerk, properly witnessed, if necessary, approved by the City Attorney as to form, and delivered to the City of College Park and/or the College Park Development Authority, as appropriate.